

(18) a person who, by education, experience, or background has specialized expertise or knowledge such as that which would qualify or tend to qualify such person as an expert witness, authorized to render opinions in proceedings conducted in a court, administrative agency, or governing body of this state or of the United States, in accordance with applicable rules and regulations and who does not perform any other service for which a license is required by provisions of this Act; [øf]

(19) an officer, employee, or agent of a common carrier, as defined by Section 153(h), Communications Act of 1934 (47 U.S.C.A. Sec. 151 et seq.), while protecting the carrier or a user of the carrier's long-distance services from a fraudulent, unlawful, or abusive use of those long-distance services;[,]

(20) [(19)] a person who sells or installs automobile burglar alarm devices;

(21) [(20)] a manufacturer, or a manufacturer's authorized distributor, who sells to the holder of a license under this Act equipment used in the operations for which the holder is required to be licensed; [øf]

(22) [(21)] a person employed as a noncommissioned security officer by a political subdivision of this state;

(23) *a person whose activities are regulated under Article 5.43-2, Insurance Code, except to the extent that those activities are specifically regulated under this Act; or*

(24) *a landman performing activities in the course and scope of the landman's business.*

SECTION 3. Section 11A, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

(f) Whenever it appears that any person has violated any of the provisions of this Act for which a penalty is imposed under Subsection (e), Section 44, of this Act the board may cause a civil suit to be instituted in the state district court in Travis County for injunctive relief to restrain such person from continuing the violation and for assessment and recovery of the civil penalty.

SECTION 4. Section 44, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

(e) Any person who is not licensed under this Act, who does not have a license application pending, and who violates any provision of this Act may be assessed a civil penalty to be paid to the State of Texas not to exceed One Thousand Dollars (\$1,000) for each violation. Thirty (30) days' notice of the requirement to obtain a license must be given by the board before the civil penalty may be assessed.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 11, 1989, by a non-record vote; passed by the Senate on May 26, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 14, 1989.

Effective Aug. 28, 1989, 90 days after date of adjournment.

CHAPTER 295

H.B. No. 2247

AN ACT

relating to the transfer of certain misdemeanor cases from a county court to a district court or a county court at law with an attorney presiding as judge.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 4.17, Code of Criminal Procedure, is amended to read as follows:

Art. 4.17. ~~TRANSFER OF CERTAIN MISDEMEANORS [DRIVING WHILE IN-TOXICATED CASES]~~. On a plea of not guilty to a misdemeanor offense *punishable by confinement in jail* ~~[under Article 6701-1, Revised Statutes]~~, entered in a county court of a judge who is not a licensed attorney, on the motion of the state or the defendant, the judge may transfer the case to a district court having jurisdiction in the county or to a county court at law in the county presided over by a judge who is a licensed attorney. The judge may make the transfer on his own motion. *The attorney representing the state in the case in county court shall continue the prosecution in the court to which the case is transferred. Provided, in no case may any such case be transferred to a district court except with the written consent of the judge of the district court to which the transfer is sought.*

SECTION 2. (a) The change in law made by this Act applies only to the prosecution of an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) The prosecution of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1989.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 27, 1989, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2247 on May 29, 1989, by a non-record vote; passed by the Senate, with amendments, on May 28, 1989, by a viva-voce vote.

Approved June 14, 1989.

Effective Sept. 1, 1989.

CHAPTER 296

H.B. No. 2252

AN ACT

relating to the authority of the commissioners courts of certain counties to adopt a fire code for certain buildings in unincorporated areas; providing a civil penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 7, Local Government Code, is amended by adding Chapter 235 to read as follows:

CHAPTER 235. COUNTY FIRE CODE IN UNINCORPORATED AREA

Sec. 235.001. AUTHORITY TO ADOPT AND ENFORCE FIRE CODE. (a) The commissioners court of a county with a population of over 250,000 may adopt a fire code and rules necessary to administer and enforce the fire code.

(b) The commissioners court, or any municipality in the county, may contract with one another for the administration and enforcement of the fire code.

Sec. 235.002. APPLICATION AND CONTENT OF FIRE CODE. (a) The fire code applies only to the following buildings constructed in an unincorporated area of the county: